

<p>JAMES B. GEORGE, ADMR. OF ABEL SPENCER vs. CHARLOTTE SPENCER ET AL.</p>	}	<p>DECEMBER TERM, 1847.</p>
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[GIFTS FROM HUSBAND TO WIFE AFTER MARRIAGE—EVIDENCE.]

It is clearly established, that courts of equity will uphold gifts from a husband to his wife after marriage, though such gifts are ordinarily void at law, and that the gift will, as against the husband, but not as against his creditors, vest in the wife an unimpeachable right of property, which will be treated as her exclusive and separate estate.

But the courts, for obvious and wise purposes, require clear, satisfactory and incontrovertible evidence to establish a gift of this description.

[The Chancellor has given a full statement of the pleadings and facts in the cause, in the following opinion:]

THE CHANCELLOR:

The bill in this case, was filed on the 9th of June, 1845, and alleged, that the complainant had become the administrator of Abel Spencer, who died intestate, in December, 1844, leaving a widow, Charlotte Spencer, one of the defendants, and one daughter, now the wife of James A. G. Waters. That shortly after assuming this trust, the complainant had discovered, that Charlotte Spencer, had, during the lifetime of her husband, loaned to the said Waters, the sum of \$800, for which she had taken his note, and a mortgage, dated 27th of November, 1842. The mortgage being taken in the name of one Sarah Rebecca Marriott, in trust, for the sole and separate use of Charlotte Spencer, and payable with interest, in two years from its date. That complainant had been informed by Waters, that Abel Spencer, had, in his lifetime, forbidden him, (Waters,) to pay the money due upon the mortgage, upon the ground, that the money loaned was not the property of the said Charlotte, but had been covertly taken from him, the said Abel. And the complainant charged, as his belief, that by means of